

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

SAMUEL LEWIS TAYLOR,

Plaintiff,

vs.

PAULA HUFFMAN PHILLIPS, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 1:11-CV-6-SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis [Doc. #2]. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff was "under imminent danger of serious physical injury" at the time the complaint was filed. See Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003)(imminent danger of serious physical injury must exist at the time the complaint is filed).

After reviewing the complaint, the Court finds no allegations that would show that plaintiff was in imminent danger of serious physical injury when he filed his complaint on or about December 20, 2010. As a result, the Court will deny the motion and will dismiss this action without prejudice to refiling as a fully paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **DENIED**.


¹See Taylor v. Purkett, Case No. 4:98-CV-170 ERW (E.D. Mo.); Taylor v. Schriro, Case No. 2:01-CV-38 CEJ (E.D. Mo.); and Taylor v. Wansing, Case No. 2:08-CV-4056 NKL (W.D. Mo.).

IT IS FURTHER ORDERED that this action is **DISMISSED**, without prejudice, pursuant to 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #4] is **DENIED** as moot.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 27th day of January, 2011.


UNITED STATES DISTRICT JUDGE